IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REV. APPLICATION NO.378 OF 2006

Vithal Pandurang Mulekar .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.A.P.Mundargi, Senior Advocate i/b. Niranjan Mundergi for applicant

Mr.R.Y.Mirza, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 16th November 2006.

P.C.

. Heard Mr.Mundargi, learned Senior Counsel for applicant and Mr.Mirza, A.P.P. for State.

2. All that the courts below have done is to convict the applicant for offences punishable under section 170 of I.P.C. read with 460 (H)(4) and (6) of B.M.C. Act.

3. After perusing the judgements with the assistance of Mr.Mundargi, in my view, in the peculiar facts of this case, larger controversy about applicability of section 170 of I.P.C. need not be decided. Sentence imposed is of fine of Rs.2000/- on the applicant for travelling without a valid ticket on the BEST Bus. That the ticket was not there with the applicant is not disputed.

4. Learned Additional Sessions Judge has assigned cogent and satisfactory reasons for not interfering with the conviction and sentence and it is not for this Court to re-appraise and re-appreciate the materials in the limited jurisdiction under sections 397 and 401 of

Cr.P.C. No error of jurisdiction or any material irregularity resulting in manifest injustice being pointed out, Revision Application deserves to be dismissed. It is accordingly dismissed.

(S.C.Dharmadhikari, J)